

## PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

Name: MARTHA GEORGE NIMER  
LAST FIRST MIDDLE INITIAL

Prisoner Number: \_\_\_\_\_

Institutional Address: 901 Court Street

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

**FILED**  
 DEC 14 2016  
 SUSAN Y. SOONG  
 CLERK, U.S. DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

George Nimer MARTHA

**CV 16 7138**  
 Case Number: \_\_\_\_\_

(Provided by the clerk upon filing)

Petitioner,

vs.

PETITION FOR A WRIT  
 OF HABEAS CORPUS

Contra Costa County  
in for the people of  
the State of California  
 Respondent(s).

**(PR)**I. INFORMATION ABOUT YOUR CONVICTION AND SENTENCEA. What sentence are you challenging in this petition?

1. Name and location of court that imposed sentence (for example: Alameda County

Superior Court, Oakland):

2. Court Contra Costa Ct.3. Location 901 Court Street MARTHA4. Case number, if known Unknown5. Date and terms of sentence Unknown

6. Are you now in custody serving this term? ("In custody" means in jail, on parole or

probation, etc.) ..... YES ☐ NO ☒

If yes, provide name and address of institution:

B. For what crime were you given this sentence?

Note: If your petition challenges a sentence for more than one crime, list each crime separately using California Penal Code numbers, if known. If you are challenging more than one sentence, you should file a different petition for each sentence.

Under the Intox meth

C. Did you have any of the following proceedings?

Arraignment: ..... YES ☒ NO ☐

Preliminary Hearing: ..... YES ☐ NO ☒

Motion to Suppress: ..... YES ☐ NO ☒

D. How did you plead? ..... Guilty ☐ Not Guilty ☐ Nolo Contendere ☒

Any other plea (specify) case dismissed Prob Ct

E. If you went to trial, what kind of trial did you have?

Jury ☐ Judge alone ☐ Judge alone on a transcript ☐

F. Did you testify at your trial? ..... YES ☐ NO ☒

G. Did you have an attorney at the following proceedings:

1. Arraignment ..... YES ☐ NO ☒

2. Preliminary hearing ..... YES ☐ NO ☒

3. Time of plea ..... YES ☒ NO ☐

4. Trial ..... YES ☐ NO ☒

5. Sentencing ..... YES ☐ NO ☒

6. Appeal ..... YES ☒ NO ☐

7. Other post-conviction proceeding ..... YES ☐ NO ☒

H. Did you appeal your conviction? ..... YES ☒ NO ☐

1. If you appealed, to what court(s) did you appeal?

In Immigration Ct (TC)  
Before SUSAN E. IESON



1 Court of Appeal US District CT YES ☐ Year: \_\_\_\_\_ NO ☐

2 Result: Judge ISSUED Almost Semirad Case

3 Supreme Court of California \_\_\_\_\_ YES ☐ Year: \_\_\_\_\_ NO ☒

4 Result: \_\_\_\_\_

5 Any other court \_\_\_\_\_ YES ☐ Year: \_\_\_\_\_ NO ☒

6 Result: \_\_\_\_\_

7 2. If you appealed, were the grounds the same as those that you are raising in this  
8 petition? \_\_\_\_\_ YES ☐ NO ☒

9 3. Did the court issue an opinion? \_\_\_\_\_ YES ☐ NO ☒

10 4. Did you seek permission to file a late appeal under Rule 31(a)? \_\_\_\_\_ YES ☐ NO ☒

11 If you did, give the name of the court and the result: \_\_\_\_\_

12  
13 I. Other than appeals, have you previously filed any petitions, applications or motions with  
14 respect to this conviction in any court, state or federal? \_\_\_\_\_ YES ☐ NO ☒

15 **Note:** If you previously filed a petition for a writ of habeas corpus in federal court challenging the  
16 same conviction you are challenging now and if that petition was denied or dismissed with  
17 prejudice, you must first file a motion in the U. S. Court of Appeals for the Ninth Circuit  
18 for an order authorizing this court to consider this petition. You may not file a second or  
successive federal habeas petition without first obtaining such an order from the Ninth Circuit.  
28 U.S.C. § 2244(b).

19 If you sought relief in any proceeding other than an appeal, answer the following  
20 questions for each proceeding. Attach extra paper if you need more space.

21 1. Name of court: \_\_\_\_\_

22 Type of proceeding: \_\_\_\_\_

23 Grounds raised (be brief but specific):

24 a. \_\_\_\_\_

25 b. \_\_\_\_\_

26 c. \_\_\_\_\_

27 d. \_\_\_\_\_

28 Result: \_\_\_\_\_ Date of result: \_\_\_\_\_

2. Name of court: \_\_\_\_\_

Type of proceeding: \_\_\_\_\_

Grounds raised (be brief but specific):

a. P.36. Dismissed conviction due process for a

b. Condemn Right to 90 day speedy

c. M. 1. (ICE) Picked me up held me

d. for 3 months. Bailed on APRIL (15) KIN

on JUNE 28 2016 Administration closed case

Result: \_\_\_\_\_ Date of result: \_\_\_\_\_

3. Name of court: \_\_\_\_\_

Type of proceeding: \_\_\_\_\_

Grounds raised (be brief but specific):

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

Result: \_\_\_\_\_ Date of result: \_\_\_\_\_

4. Name of court: \_\_\_\_\_

Type of proceeding: \_\_\_\_\_

Grounds raised (be brief but specific):

a. \_\_\_\_\_

b. \_\_\_\_\_

c. \_\_\_\_\_

d. \_\_\_\_\_

Result: \_\_\_\_\_ Date of result: \_\_\_\_\_

J. Is any petition, appeal or other post-conviction proceeding now pending in any court?

..... YES ☐ NO ☐

Name and location of court: \_\_\_\_\_



1 **II. GROUND FOR RELIEF**

2 State briefly every reason why you believe you are being confined unlawfully. Give facts to  
 3 support each claim. For example, what right or privilege were you denied? What happened?  
 4 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if  
 5 you need more space. Answer the same questions for each claim.

6 **Note:** You must present ALL your claims in your first federal habeas petition. Subsequent petitions  
 7 may be dismissed without review on the merits. 28 USC § 2244(b); *McCleskey v. Zant*, 499 U.S.  
 8 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).

9 Claim One: \_\_\_\_\_

10 Supporting facts: \_\_\_\_\_

11 \_\_\_\_\_  
 12 \_\_\_\_\_  
 13 \_\_\_\_\_  
 14 Claim Two: \_\_\_\_\_

15 Supporting facts: \_\_\_\_\_  
 16 \_\_\_\_\_  
 17 \_\_\_\_\_  
 18 \_\_\_\_\_  
 19 \_\_\_\_\_

20 Claim Three: \_\_\_\_\_

21 Supporting facts: \_\_\_\_\_  
 22 \_\_\_\_\_  
 23 \_\_\_\_\_  
 24 \_\_\_\_\_  
 25 \_\_\_\_\_

26 If any of these grounds was not previously presented to any other court, state briefly which  
 27 grounds were not presented and why: \_\_\_\_\_  
 28 \_\_\_\_\_

1  
2  
3 List, by name and citation only, any cases that you think are close factually to yours so that they  
4 are an example of the error you believe occurred in your case. Do not discuss the holding or  
5 reasoning of these cases: \_\_\_\_\_  
6  
7  
8

9 Do you have an attorney for this petition? ..... YES ☐ NO ☐

10 If you do, give the name and address of your attorney: 10  
11  
12

13 WHEREFORE, petitioner prays that the court grant him/her the relief to which he/she may be  
14 entitled in this action. I verify under penalty of perjury that the foregoing is true and correct.

15 Executed on:

16 11-10-16  
17 *Date*

18   
19 *Signature of Petitioner*



Petitioner

WRIT OF HABEAS by George Nimer MARTHA

Claim # 1

PRO 36 is AN ILLEGAL CT WITH NO  
FOUNDS OR RESOURSE TO provide  
Adequit mental Health treatment

#2 PRO 36 CT Judge lauthner in  
fact dismissed case in open CT  
Petitioner can't find or get the  
CT to provide a copy of New  
And second ABSTRACT OF Judgm  
ment.

#3 ICE is steamed OFF First  
ABSTRACT OF Judgement And  
will not provide second IN  
proceeding decartiction of duties  
working in the black side of  
THE law.



ICE picked George Martha up  
From Jail and placed him in  
proceeding held with out Bond  
For 2 1/2 month,

All this happened to me behind  
a convicted Stalker who gives  
AKA Name to arrest me (51)  
times

5 Open a Concord Arrest Sheet  
Each arrest was filed in a  
fake Name SAM MARTHA or  
Sam Nimer, His Real Name is  
MUSALUM NIMER MARTHA 2004  
conviction For STALKING Sam  
Mateo Co.

I Have A Right to confront  
Accuser who fooled Concord  
Police (51 times) Fifty one  
time I was Arrested



ASKING That This court Appoints  
attorney to sort out this  
problem

I Have Emails From Picasso  
Family I Found a Real bull  
Secre This Person Finally  
Found my Hiding Place And  
STOLDEN

With Aloby's

ONE Arrest 5050 MARTHA  
Hospital.

SAM MARTHA Called Local  
Police to Have me Arrested  
For Having A bad dream  
speaking out loud say things  
I don't EVEN do I SAID  
IF I SAID.

He told CRIS Blakely take  
him



and His dum painting its A  
FAKE,

Only Picasso Family can  
say its Fake they told  
me VIA Email it was Real

Chris Blakely Concord PD  
took it And kept it SAFE  
And Returned it when I  
got Released.

Call him he will justify  
Sam Matha makes Fake  
Police Reports to get  
Rid of me on the  
First for my SSI Check.



All together this can is  
moot.

Please terminate proceedings  
with ICE

Please Return my \$1500<sup>00</sup>  
Cash Bond

BMV



Pro36 court dismissed the case  
Before, me my mother and my  
Attorney.

I Verbiely told the Pro36 Judge  
Lathan that I Failed the program  
due to mental health issues  
that (A Chance for Freedom is not  
A mental health Based program  
And when released on Heavy medication  
The Jail manager Jail govt court  
State maximum California did  
not Release me with Any medication  
As by law should

Legal & Liability Risk Management  
Institute

Jail/corrections Failure to  
Provide medication in Jail and  
during time of Release setting by  
JACK Ryan - J.D

Doc #57, Ex A. Pl. Dep 42-20-22  
43-24-44.9).

Hallet v Morgan; 296 F3d 732  
746 (9th cir 2002 8th Amendment



is only violated if delays occurred to patient  
(etc)

By Pumping me up with medication  
And Returning me without in limbo  
caused me to Relapse without  
EVEN STARTING OUT proper class  
3 times,

I did my time in Jail while  
my period's complete class due  
to mental health failure  
to provide medication

All do to Judge Newark STARK  
went on vacation Judge STARK  
was informed with George Martin's  
mental health STARK  
And Judge Kolm was not nor  
did my attorney mention my  
mental health issue violate the  
5th and 14th.

I had A Right to A Speedy trial  
90 days



AFTER the fact, a VERBAL motion to dismiss was stated by me thru my attorney. PD 36 is dismissed.

(ICE) A few months later picked me up AND put me in proceedings for removal.

ICE is steamed off 1st Abstract of Judgment Martinez court issued a 2nd Abstract of Judgment and Nicholas Patrick got a copy.

JUNE-13-13 (IT) Yungisoh issued a warrant against me George MARTIN for failure to appear. I was in custody with Martinez correctional Jail 901 Court St Martinez California.

later (IT) Yungisoh lifted warrant as I George MARTIN ~~was~~ was before him (IT) by TSCC



in open court (IJ) yesterday.  
 Performed in open court that  
 MR MARTIN was in fact in jail  
 on JUNE-13-13. And was not  
 transported to (IJ) yesterday court  
 Room with THE (IC)  
 and issued bond CASH Refundable  
 \$1500.

later out of custody before (IJ)  
 Paolo King, 100 many day Street  
 SUT Red at of custody &  
 we Redubbed for some time and  
 found that on June 26-2016 she  
 Admittedly closed the case meaning  
 the case is over but open bond  
 was not Refused And the case  
 is open for Appeal.

Both sides must reach agreement  
 before this Honorable Ct for  
 the second ABSTRACT of July  
 must be revealed



As I said when (IS) King  
 asked why I don't have a  
 lawyer I told her it's  
 to big of a file to hire  
 experts, it would cost a  
 million dollars to find someone

So the 212-C waiver I  
 got was revoked and  
 it's revoked without  
 authority stopping me from  
 becoming a USA citizen

#1 When my mother and father  
 applied for citizenship they  
 got to add my name as  
 a mentally sick disabled son  
 I qualified for

#2 The case regarding 212-C  
 Gordon, TS, BIA only a  
 AGS felony can revoke



THE CASE BEFORE US IS NOT A  
 Felony, But WAS Penalties due  
 to not appearing to CT, Not  
 my fault, I was in a cell at  
 Maricopa Jail not TAKEN to  
 court deliberately

They did the same thing to  
 me for a speeding ticket,  
 I lost my DRIVE permit, not  
 TAKEN to court twice on a  
 civil matter seems to be  
 THE M.O. For this country,

I move TO Request THIS  
 Honorable CT, TO move TO  
 TERMINATE THIS proceeding

I ALSO Respectfully move this  
 Honorable Judge and CT to  
 Refuse Bond

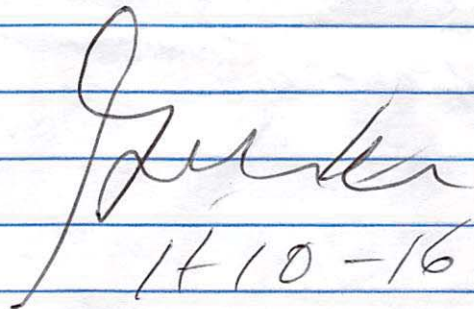
I move THIS Honorable Judge  
 & court to Re issue 212-C  
 where



with merit and power of Congress  
authorizing grant to you to do so  
For the Interest of Justice This  
Writ must not be denied on the  
behalf of THE SUPREMACY the  
legal color of law and equality  
to the constitutional Rights set  
down by our Four Fathers which  
that be converted in any way  
unless Rebuttal

I declare under the penalty of  
perjury that the foregoing is true  
and correct

I Motion For Appointment of  
counsel to handle this Affair.

  
11/10-16



I ASK This Court go  
back to all arrest under  
the names I just gave  
you, add RUN it all without  
Dismissing all arrests & losing  
off computer for this slander  
smashed my name in court  
police computer

Thank you

Ben



And I want to add to  
this case, Concord Police  
in Concord California Arrest  
Sheet,

EACH ARREST Filed by Concord  
Police with the Victim Name  
SAM MARTHA OR SAM Nimer  
TOTAL OF over 30 ARREST  
By that person SAID Victim  
~~THE NAME~~

Those Two Names ARE Fake  
Names MUSATUM Nimer  
Martha Uses to get by  
clean under the systems  
Police computer,  
MUSATUM Nimer Martha he  
comes back CONVICTED STALKER  
I AM the Victim in this  
matter.

I HAVE A Right to ~~Confront~~  
Confront the Accuser But  
IF the Accuser is giving Fake  
Names How can I Confront



UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
SAN FRANCISCO, CA

GABE, MATTHEW S.  
TRIAL ATTORNEY UNIT  
DEPARTMENT OF HOMELAND SECURITY  
SAN FRANCISCO, CA

DATE: Jun 28, 2016

FILE A# 017-796-939

IN THE MATTER OF:  
MARTHA, GEORGE NIMER

✓ ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE. THIS  
DECISION IS FINAL UNLESS AN APPEAL IS FILED WITH THE BOARD OF  
IMMIGRATION APPEALS WITHIN 30 CALENDAR DAYS OF THE DATE OF THE MAILING  
OF THIS WRITTEN DECISION. SEE THE ENCLOSED FORMS AND INSTRUCTIONS FOR  
PROPERLY PREPARING YOUR APPEAL. YOUR NOTICE OF APPEAL AND ATTACHED  
DOCUMENTS MUST BE MAILED TO:

BOARD OF IMMIGRATION APPEALS  
OFFICE OF THE CLERK  
5107 Leesburg Pike, Suite 2000  
FALLS CHURCH, VA 22041

ATTACHED IS A COPY OF THE DECISION OF THE IMMIGRATION JUDGE AS THE  
RESULT OF YOUR FAILURE TO APPEAR AT YOUR SCHEDULED DEPORTATION OR REMOVAL  
HEARING. THIS DECISION IS FINAL UNLESS A MOTION TO REOPEN IS FILED  
IN ACCORDANCE WITH SECTION 242B(c)(3) OF THE IMMIGRATION AND NATIONALITY  
ACT, 8 U.S.C. SECTION 1252B(c)(3) IN DEPORTATION PROCEEDINGS OR SECTION  
240(c)(6), 8 U.S.C. SECTION 1229a(c)(6) IN REMOVAL PROCEEDINGS. IF YOU  
FILE A MOTION TO REOPEN, YOUR MOTION MUST BE FILED WITH THIS COURT:

✓ IMMIGRATION COURT  
100 MONTGOMERY ST., SUITE 800  
SAN FRANCISCO, CA 94104

OTHER: \_\_\_\_\_

*R. Coloma*  
\_\_\_\_\_  
COURT CLERK  
IMMIGRATION COURT

CC:

MARTHA, GEORGE NIMER  
2989 GRANT ST  
CONCORD, CA 94526

LS

UNITED STATES DEPARTMENT OF JUSTICE  
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW  
IMMIGRATION COURT  
SAN FRANCISCO, CALIFORNIA

Matter of

George Nimer MARTHA,

Respondent

Date: June 28, 2016

File Number: A017 796 939

In Removal Proceedings

Charge: Section 237(a)(2)(B)(i) of the Immigration and Nationality Act, as amended, as an alien who, at any time after admission, has been convicted of a controlled substance offense

On Behalf of Respondent:

George Nimer Martha

*Pro Se*

2989 Grant Street

Concord, California 94526

On Behalf of DHS:

Matthew Gabe

Chief Counsel,

100 Montgomery Street, Suite 200

San Francisco, California 94104

ORDER OF THE IMMIGRATION JUDGE

**I. PROCEDURAL HISTORY**

The Department of Homeland Security ("DHS") initiated the current removal proceedings against Respondent, George Nimer MARTHA, by filing a Notice to Appear ("NTA") with the San Francisco, California Immigration Court on June 14, 2012. Exh. 1E. The NTA alleges that Respondent is a native and citizen of Jordan who adjusted to lawful permanent resident status on October 26, 1967. *Id.* The NTA further alleges that Respondent was convicted of being under the influence of methamphetamine in violation of California Health and Safety Code § 11550(a) on February 5, 2010. *Id.* As a result, the NTA charges Respondent with removability under Immigration and Nationality Act ("INA" or "Act") § 237(a)(2)(B)(i), as amended, as an alien who, at any time after admission, has been convicted of a violation of any law or regulation of a State relating to a controlled substance other than a single offense involving possession of 30 grams or less of marijuana. *Id.*

On June 13, 2013, Respondent failed to appear at his master calendar hearing and was ordered removed in absentia. *See* IJ Order (June 13, 2013). On January 10, 2014, DHS moved to rescind the in absentia removal order and reopen proceedings, stating that Respondent might not have received proper notice of his June 13, 2013 hearing because of a serious mental health condition. The Court granted DHS's motion and reopened proceedings. *See* IJ Order (Jan. 15,